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FLOOR DEBATE

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could go to Senator Mines, if he would so like to use it, to talk about the committee amendment.

SENATOR CUDABACK: Senator Mines, you're recognized.

SENATOR MINES: Thank you, Mr. President, colleagues, and thank you, Senator Schimek. I did pass out a sheet that identifies what could happen in the recall process. This was assembled by the committee counsel. And just to one-time state, again, what Senator Schimek has said, if you start at the top, the principal circulator files the allegations of malfeasance, misfeasance, nonfeasance, and then the filing clerk, which is the county clerk in some cases and the county election commissioner in other cases, would then notify the person being recalled. Then there are two options for that person being recalled. First, on the left, if you file...the person who is the object of a recall can file suit in district court, alleging the grounds are not sufficient. And they do have 20 days. And then the court can either determine that, based on the preponderance of evidence, that...of malfeasance, misfeasance, or nonfeasance, the court can find grounds sufficient, in which case the object of the recall continues; or, if the court finds no grounds, then no petition papers are filed. Should the object of recall or the person being recalled choose, they can file their defense statement, just like they can now, within 20 days, and then the clerk will file petition papers and the process will proceed. It's important that if the matter...if the person who's the object of the recall chooses to go to court, the court does not decide innocence or guilt. The court merely decides, was there...based on the evidence, did that elected official commit one of those three deeds, of misfeasance, nonfeasance, and malfeasance? Well, with that, Mr. President, I think I'll conclude on the amendment. I urge the amendment of AM2533. It came out of the Government Committee 8-0. And I would appreciate it and would urge your passage of the amendment. Thank you.

SENATOR CUDABACK: Thank you, Senator Mines. Senator Schimek, did you wish to have any of your time back? Senator Schimek waives. (Visitors and doctor of the day introduced.) Mr. Clerk, please.